

REMARKS

Claims 1-14 were pending in the present application. Claims 4, 5, and 12 have been canceled herein without prejudice to their presentation in another application. Claims 1, 6-11, 13, and 14 have been amended herein to delete non-elected subject matter and/or to provide appropriate claim dependency. No new matter has been added. Upon entry of the present amendment, claims 1-3, 6-11, 13, and 14 will be pending.

I. The Claimed Invention Is Not Obvious

Claims 1-3 and 13-14 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over the combination of U.S. Patent No. 5,922,767 (hereinafter, the “Kanamaru reference”) and U.S. Patent No. Patani et al., Chem. Rev., 1996, 3147-3176 (hereinafter, the “Patani reference”). The Office mistakenly asserts that it would have been *prima facie* obvious for one skilled in the art to have modified compound 34 of the Kanamaru reference by substituting CH₂ for NH and further deprotecting compound 34 according to the Patani reference. Applicant traverses the rejection and respectfully requests reconsideration because even if combined, the claimed invention would not be produced.

As a preliminary matter, the Office asserts that the present “application currently names joint inventors” (see, page 3 of the Office Action). The present application, however, names one inventor – Lanna Li.

The Office asserts that the Kanamaru reference does “not teach a linker of CH₂NHC(O)CH₂ in place of the CH₂NHC(O)NH linker...” (see, Office Action at page 4). Applicant agrees. The Office, however, asserts that the Patani reference teaches “the biosynthetic replacement of CH₂ for NH in a divalent linker” (see, Office Action at page 4). Even if one skilled in the art replaced NH in the linker by substitution with CH₂, Applicant’s claimed invention does not result.

Compound 34 of the Kanamaru reference, according to the Office’s depiction thereof on page 4 of the Office Action, is as follows: methoxy-substituted phenoxymethylbenzoate—linker—phenyl(di-substituted with i-Pr). Applicant notes that the depiction of Compound 34 of the Kanamaru reference as depicted in the Office Action is flipped 180° compared to Applicant’s

depiction of Formula I in claim 1. Thus, the linker of Compound 34 is actually -NH-C(=O)-NH-CH₂- (when read in the order corresponding to Applicant's claim 1). Replacement of the terminal NH group in the linker of Compound 34 of Kanamaru with a CH₂ group, as alleged to be taught in the Patani reference, results in -NHC(O)NHCH₂- → -CH₂C(O)NHCH₂-. This substituted linker, however, is not -CH₂NHC(O)CH₂- as recited in Applicant's claims (when R⁶ is H) – it is actually the reverse. Thus, even when the Kanamaru and Patani references are combined, Applicant's claimed invention does not result.

Thus, the claimed invention is not obvious in view of the combination of cited references. Accordingly, Applicant respectfully requests that the rejection under 35 U.S.C. §103(a) be withdrawn.

II. Conclusion

In view of the foregoing, Applicant respectfully submits that the claims are in condition for allowance. An early notice of the same is earnestly solicited. The Office is invited to contact Applicant's undersigned representative at (610) 640-7859 if there are any questions regarding Applicant's claimed invention.

The Commissioner is hereby authorized to debit any underpayment of fee due or credit any overpayment to Deposit Account No. 50-0436.

Respectfully submitted,

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